

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC. AND LIZ  
VELAZQUEZ MCKINNON,

Defendants.

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**PLAINTIFF'S MOTION FOR WRIT OF EXECUTION**

Plaintiff, Cruz Valdivieso Figuera, through her undersigned counsel and pursuant to Fed. R. Civ. P. 64, requests that the Court instruct the Clerk of Courts to issue a Writ of Execution in the form appended hereto based upon the following good cause:

1. On November 2, 2023, this Court entered its Final Judgment in which it awarded Plaintiff the amount of \$1,768.00 [ECF No. 130], which Defendant All VIP Care, Inc., subsequently satisfied.
2. A Report and Recommendation was entered on August 15, 2024, awarding Plaintiff and her counsel \$145,067.50 in attorney's fees and costs in the amount of \$4,006.41, for a total award of \$149,073.91. [ECF No.175.]
3. Court entered its Order Adopting and Approving the Report and Recommendation, awarding Plaintiff and her counsel \$145,067.50 in attorney's fees and costs of \$4,006.41, for a total award of \$149,073.91. [ECF No. 182].

4. This Court's Order Adopting and Approving [ECF No. 182] constitutes a money judgment pursuant to *National Labor Relations Board v. Tropical Wellness Center, LLC*, 2019 WL 2254921, at \*4 (S.D. Fla. Mar. 11, 2019), *report and recommendation adopted*, 2019 WL 2255566 (S.D. Fla. Mar. 29, 2019).

5. The award of \$149,073.91 remains due, payable, and outstanding.

6. Plaintiff seeks to enforce the money judgment(s) against Defendant, All VIP Care Inc., pursuant Fed. R. Civ. P. 69(a) through issuing a Writ of Execution.

7. Local Rule 7.1 specifically exempts post-judgment collection/execution motions from the conferral requirement, so none has been made concerning this Motion.

8. The undersigned did, however, confer with defense counsel by phone on Monday, September 16, 2024, about whether All VIP Care, Inc. intended to satisfy the award of attorney's fees and costs, but defense counsel could not confirm it would voluntarily satisfy the fees and costs awarded.

WHEREFORE Plaintiff, Cruz Valdivieso Figuera, requests that the Court direct the Clerk of Courts to issue a Writ of Execution in the form appended hereto.

Dated this 18th day of September 2024.

s/Brian H. Pollock, Esq.  
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